

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DEBORAH MOSS

CASE NO: 1:18CV02257

Plaintiff,

JUDGE JAMES S. GWIN

v.

UNIVERSITY HOSPITALS AT PARMA  
MEDICAL CENTER,

**REPORT OF PARTIES' PLANNING  
MEETING UNDER FED. R. CIV. P. 26(f)  
AND LR 16.3(b)(3) and 23.1**

Defendant.

1. Pursuant to FED. R. CIV. P. 26(f) and L.R. 16.3(b) and 23.1, a meeting was held on December 6, 2018, and was attended by the following parties:

- Emily White, counsel for Plaintiff
- Donald Bulea, counsel for Defendant

2. The parties:

\_\_\_\_\_ have exchanged the pre-discovery disclosures required by Rule 26(a)(1) and the courts prior order.

X\_\_\_\_\_ have not been required to make initial disclosures, but will exchange the documents and information set forth in the Court's Discovery Protocol Order.

3. The parties recommend the following track:

\_\_\_\_\_ Expedited                      X                      Standard                      \_\_\_\_\_ Complex  
\_\_\_\_\_ Administrative                      \_\_\_\_\_ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) Mechanisms:

\_\_\_\_\_ Early Neutral Evaluation                      \_\_\_\_\_ Mediation                      \_\_\_\_\_ Arbitration  
\_\_\_\_\_ Summary Jury Trial                      \_\_\_\_\_ Summary Bench Trial

☒ Case Not Suitable for ADR currently, but might be after the parties engage in discovery.

5. The parties do not consent to jurisdiction of the United States Magistrate Judge pursuant to 29 U.S.C. 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

Topics of discovery will include all claims and defenses raised in the pleadings, including the nature and extent of Plaintiff's disability, the essential duties of Plaintiff's position, the change in patient population at the facility in which Plaintiff worked, Plaintiff's ability to perform essential functions of the job with or without accommodations, the scope and extent of permissible medical inquiries, the information Plaintiff and/or her medical treatment providers gave to University Hospitals as part of the fitness for duty evaluation, the accommodations requested and/or considered, whether Plaintiff's disability poses a direct threat to safety of herself or others that cannot be reduced or eliminated through reasonable accommodations, the reasons University Hospitals declined to return Plaintiff to her prior position, Plaintiff's alleged damages, and her attempts to mitigate her alleged damages. The parties intend to conduct written discovery first, then depositions of parties and witnesses, and possibly engage expert witnesses.

(b) The parties (indicate one)

☐ agree that there will be no discovery of electronically-stored information; or

☒ have agreed to a method for conducting discovery of electronically-stored information; or

\_\_\_\_\_ have agreed to follow the default standard for discovery of electronically-stored information (Appendix K to Northern District Ohio Local Rules).

(c) Discovery cut-off date: \_\_\_\_May 3, 2019 \_\_\_\_\_

7. Recommended dispositive motion date: June 1, 2019 \_\_\_\_\_

8. Recommended cut-off date for amending pleadings and/or adding additional parties: \_\_\_\_February 1, 2019 \_\_\_\_\_

9. Recommended date for Status Hearing: \_\_\_\_\_May 15, 2019 \_\_\_\_\_

10. Other matters for the attention of the Court: Defendant advises that the entity sued is not correct. Plaintiff intends to file a stipulated motion to change the name of the Defendant to properly identify Plaintiff's employer.

Respectfully submitted,

/s/Emily White, Esq

Emily White  
Marc E. Dann 0039425  
DANNLAW  
P.O. Box. 6031040  
Cleveland, Ohio 44103  
*notices@dannlaw.com*

/s/ Donald C. Bulea

Kerin Lyn Kaminski (00013522)  
Donald C. Bulea (0084158)  
GIFFEN & KAMINSKI, LLC  
1300 East Ninth Street, Suite 1600  
Cleveland, Ohio 44114  
Telephone: 216-621-5161  
Facsimile: 216-621-2399  
E-mail: [kkaminski@thinkgk.com](mailto:kkaminski@thinkgk.com)  
[dbulea@thinkgk.com](mailto:dbulea@thinkgk.com)

***Counsel for Defendant University Hospitals at  
Parma Medical Center***